IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

Crl.L.P..No. 217 of 2005()

CC.796/1995 of J.M.F.C.-I,THRISSUR
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PETITIONER/COMPLAINANT:

JOHNY, S/O. ANTONY,
KUTTOOR VILLAGE, THRISSUR.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS: ACCUSED:
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1. ANTONY, S/O.MALIYEKKAL JOHN,RESIDING AT
"ANUGRAHA" AMBAKADAN JUNCTION, THRISSUR.

2. ANTONY, S/O. MALIYEKKAL CHACKO,
KUNNATHUKARA DESOM, THRISSUR DIST.

3. *ITTIKKURI, S/O. PORINCHU, THEKKENIYATH HOUSE,
KOTTARAMURI DESOM, MALA, THRISSUR DIST.

*THE NAME OF THE R3 IS DELETED FROM THE PARTY ARRAY AS PER ORDER DATED 11..2.03 ON A MEMO IN CRL.M.P.
NO.3711/1996 IN THE UNNUMBERED CRL.MC

4. DEVASSY, S/O. VAREEDH, THARAYIL HOUSE,
KODANTHUR DESOM, THRISSUR DIST.

5. JOSEPH, S/O. THOMAS, AKKARATH PLAKKAN VEEDU,
CHETTISSERY DESOM, THRISSUR DIST..

6. DAISY, W/O.MALIYEKKAL ANTONY,
KIZHAKKENADA DESOM, AMMBAKADU JUNCTION,
THRISSUR.

7. THIMOTHY, S/O. RAPPAI,THANIYEKKAL HOUSE,
MUKKATTUKARA DESOM, THRISSUR.

8. SREENIVASAN (RESIDING AT MANATHENA VEETTIL),
MANAGER, KERALA VIJAY & LOANS CHITTIES, THRISSUR.

9. K.D. JOSEPH, PRINTER & PUBLISHER
GENERAL DAILY, REG.NO.KL/TC/96, RN 29393/96 THRISSUR.

BY ADV. SRI.N.J.JOHNSON
SRI.P.VIJAYA BHANU

THIS CRIMINAL LEAVE PETITION HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. THANKAPPAN, J.

Crl.L.P.No.217 OF 2005

Dated this the 2nd day of February, 2007.

O R D E R

This is an application for special leave to appeal against the order passed by the trial court. It is alleged in the complaint that the respondents have published a news item in the Malayalam Daily Express in which it is stated that the petitioner had misappropriated certain amounts from the company of the 1st respondent. After the trial, the trial court found that the publication is justified under Section 499(9) of the I.P.C. Admittedly the petitioner faced trial for misappropriation. Though he was acquitted by the trial court, that by itself is a reason for exemption from such allegation under Section 499 (9) of the I.P.C.

In the above circumstances, this Court is of the view that the judgment of the trial court requires no interference by this Court. Accordingly, the leave petition stands dismissed.

K. THANKAPPAN, JUDGE.

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K. THANKAPPAN, J

CRL.L.P.NO.217/05

O R D E R

2nd February, 2007.